

Thank you,
Committee Chair Heise
The Michigan House of Representatives Criminal Justice Committee
Special Thanks to Representative Stacy Erwin Oakes for asking me to speak this morning.

My name is Matthew Norwood and I am an attorney in the Flint area.
Specialize in criminal defense

See individuals that make stupid mistakes, some worse than others.
Hope they learn from their mistakes and use this as a learning experience.
Some of these people are teenagers, some an older.

One of my passions is representing younger individuals that have the whole world ahead of them and they just don't see it yet.

Your hope is that they can see outside of their neighborhood or school walls to realize that there so much more than environment they surround themselves everyday.

If they listen and learn then hopefully they come out a better person with a real world experience that their actions have real world consequences.

Hopefully they can look three steps ahead and make better choices.
Hopefully they can realize where they don't want to be.
And hopefully there bad choice does not close doors of opportunity to their future.

That is really why we are here.

I field numerous phone calls every month from individuals that have done exactly what we have asked them to do.

They learned from their mistakes
They have bettered themselves
They have educated themselves
They have moved past the stupid decisions part of their life and have grown up.

But they have a ghost from their past that is still haunting them.

The ghost of a few stupid decisions that they must wear like a scarlet letter

A few years ago I was grateful for an improved expungement law that was less restrictive.

But actuality is that it did not do much.

The old law made you eligible for an expungement only if it was the absolute only offense on your record and the offense was not a limited offense.
Everyone from Prosecutors to Judges agreed that the law was why too restrictive.

So the law was expanded to include individuals that have the offense they wish to expunge and no more than two other minor offenses. This offenses had to be committed before they were 22 and must be a 90 day misdemeanor.

On paper it seemed like a good fix, except the real world application was much different.

You very easily could have an individual that made a mistake and wishes to have that expunged, (wrote a check out of a closed account, uttering and publishing a 15 year felony)

Add to that they had a driving on a suspended license after they turned 22. They are ineligible for an expungement, even if they went to Harvard Business School.

Same example, but the driving on a suspended license occurred before they turned 22. They still couldn't receive an expungement because a driving on a suspended license is a 93 day misdemeanor.

Almost all misdemeanors are 93 day offenses and not 90 day.

I saw this in real world first hand. I had a client retain me for an expungement of an embezzlement charge. When he was younger he made a bad choice and took some money with another co-worker, my client paid back all the restitution, including the money that the other co-worker was required to pay back.

During the period of bad decision making he also had an impaired driving offense, a 93 day misdemeanor.

Fast forward to 2012, he owns his own commercial painting business and to get some contracts he has to pass a background check.

He has a wife and child and is a productive member of our society.

I explain to him that because he has a 93 day misdemeanor and not a 90 day he won't be able to get the expungement. We decide to plea our case in front of the judge and explain to him it's 3 days. Judge agrees with us but regretfully the law is the law.

I point out one narrow example, but the calls I get the most of are individuals that are looking to move ahead and may not own there own business and can't get a contract but are hard working individuals that can't escape a few dumb choices they made years ago.

Most of the time it's someone who has gone back to school, fulfilled their dream and received their degree, then the nightmare starts because they can not get a job due to a mistake or two in their past.

I receive those phone calls are regretfully inform them that there is nothing I can do. That is why I am here today.

So why should the state care about individuals that make mistakes in their life and now have to live with their bad decisions. Isn't that what punishment is all about: You have made your bed, now lie in it.

To that I simply point to me:

I was young and dumb, fresh out of high school with 1.8 gpa and report card that usually spelled EDDIE.

Not smart enough to think more than 10 seconds into the future, a good friend and I placed an explosive in a mailbox of the most prominent attorney in the Flint area.

To me it seemed like a harmless prank until I realized how bad I frightened the family.

Fortunately, for me I was allowed to keep my record clean under a federal diversion program.

But that single event made the biggest difference in my life, I decided to show everyone that I was not the screw up they thought I was.

I enrolled in Mott Community College and had a fresh start. I applied myself and used my past experience as fire underneath me.

Today I am a successfully attorney in Flint and a Trustee of the Community College that gave me my start.

I know that I could not be where I am today with a criminal record, it would hold me back like an anchor on a cruise ship. Myself, almost all judges and prosecutors I have spoke to agree that the expungement statute needs to be less restrictive and allow them to look at an individual and see if they have made our society a better place, if so then let them leave the past where it belongs.